

HOUSE BILL No. 4668

May 13, 2003, Introduced by Rep. Ward and referred to the Committee on Land Use and Environment.

A bill to amend 1943 PA 183, entitled
"County zoning act,"
by amending section 16c (MCL 125.216c).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16c. (1) As used in this section, "planned unit
2 development" includes cluster zoning, planned development,
3 community unit plan, planned residential development, and other
4 **terminology denoting** zoning requirements which are designed to
5 accomplish the objectives of a zoning ordinance through a land
6 development project review process based on the application of
7 site planning criteria to achieve integration of the proposed
8 land development project with the characteristics of the project
9 area.

10 (2) A county may establish **in a zoning ordinance** planned unit
11 development requirements ~~in a zoning ordinance~~ which permit

1 flexibility in the regulation of land development; encourage
2 innovation in land use and variety in design, layout, and type of
3 structures constructed; achieve economy and efficiency in the use
4 of land, natural resources, energy, and the ~~providing~~ **provision**
5 of public services and utilities; encourage useful open space;
6 and provide better housing, employment, and shopping
7 opportunities particularly suited to the needs of the residents
8 of the state. The review and approval of a planned unit
9 development shall be made by ~~either~~ the zoning commission, an
10 official charged with administration of the ordinance, or the
11 county board of commissioners.

12 (3) Within a land development project designated as a planned
13 unit development, regulations relating to the use of land,
14 including permitted uses, lot sizes, setbacks, height limits,
15 required facilities, buffers, open space areas, and land use
16 density shall be determined in accordance with the planned unit
17 development regulations specified in the zoning ordinance. The
18 planned unit development regulations need not be uniform with
19 regard to each type of land use if equitable procedures
20 recognizing due process principles and avoiding arbitrary
21 decisions have been followed in making regulatory decisions.
22 **Unless explicitly prohibited by the planned unit development**
23 **regulations, a county may approve a planned unit development with**
24 **open space that is not contiguous with the rest of the planned**
25 **unit development.**

26 (4) The planned unit development regulations established by a
27 county shall specify the following:

1 (a) The body or official which shall review and approve
2 planned unit development requests.

3 (b) The conditions which create planned unit development
4 eligibility, the ~~persons and agencies involved~~ **participants** in
5 the review process, and the requirements and standards upon which
6 applications will be judged and approval granted.

7 (c) The procedures required for application, review, and
8 approval.

9 (5) Following receipt of a request to approve a planned unit
10 development, the body or official charged in the ordinance with
11 the review and approval of planned unit developments shall hold
12 at least 1 public hearing on the request. ~~An~~ **A zoning**
13 ordinance may provide for 1 or more preapplication conferences
14 before submission of a planned unit development request, and the
15 submission of preliminary site plans before the public hearing.
16 Notification of the public hearing shall be given in the same
17 manner as required by section 16b(3) for public hearings on
18 special land uses. Within a reasonable time following the public
19 hearing, the body or official responsible for approving planned
20 unit developments shall ~~meet for~~ **give** final consideration ~~of~~
21 ~~the request, and~~ **to and shall** deny, approve, or approve with
22 conditions the request. The body or official shall prepare a
23 report stating its conclusions on the request for a planned unit
24 development, the basis for its decision, the decision, and
25 conditions relating to an affirmative decision. ~~Should the~~
26 ~~ordinance require~~ **If the zoning ordinance requires** that the
27 county board of commissioners amend the ordinance to ~~act on~~

1 **approve** the planned unit development request, the zoning
2 commission shall conduct the hearing as required by section 9,
3 and the report and documents related to the planned unit
4 development request shall be transmitted to the county board of
5 commissioners for consideration in making a final decision. If
6 an amendment of a zoning ordinance is required by the planned
7 unit development regulations of a county zoning ordinance, the
8 requirements of this act for amendment of a zoning ordinance
9 shall be followed. However, the hearing and notice required by
10 this subsection shall be regarded as fulfilling the public
11 hearing and notice requirements of section 9.

12 (6) If the planned unit development regulations of a county
13 zoning ordinance do not require amendment of the ordinance to
14 authorize a planned unit development, the body or official
15 charged in the zoning ordinance with review and approval of
16 planned unit developments ~~may~~ **shall** approve, approve with
17 conditions, or deny a request.

18 (7) Final approvals may be granted on each phase of
19 multiphased planned unit development if each phase contains the
20 necessary components to insure protection of natural resources
21 and the health, safety, and welfare of the users of the planned
22 unit development and the residents of the surrounding area.

23 (8) In establishing planned unit development regulations, a
24 county may incorporate by reference other ~~available and~~
25 applicable ordinances or statutes which regulate land
26 development. The planned unit development regulations contained
27 in ~~zoning ordinances~~ **a zoning ordinance** shall encourage

- 1 complementary relationships between zoning regulations and other
- 2 requirements affecting the development of land.